



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

**Case No. 2020-00056-FOIA-OS**

**October 16, 2019**

Sai  
MuckRock News  
DEPT MR 80660  
411A Highland Ave  
Somerville, MA 02144-2516

Dear Sai:

This clarification letter is in response to your September 20, 2019, Freedom of Information Act (FOIA) request. Specifically, you requested the following:

“1. a list of all software for discussion, collaboration, or announcement to multiple members/users/subscribers ; which is run, maintained, administered, moderated, paid for, or otherwise used by the component

This includes, e.g.:

a. everything on the "list11

11 lists11

11 listserv 11

11 group11

11 groups 11

11 ishare 11

and. 11 wikin subdomains of every

component internet or intranet domain, including any ' secret'/"unlisted" lists, and a full sitemap;

Note: this excludes member-posted content (not metadata), such as email bodies, posts, wiki pages' content, etc. It is intended to encompass all metadata accessible on the site itself, such as list names, emails, & descriptions, subscribers, wiki page names, channels, fora, topics/subjects, timestamps, ACLs, sitemaps, etc.

This part of the request is not intended or expected to cover a particularly large amount of records that would require itemized review. If you believe it may, please email me with an explanation of what it may cover, and what of that would be burdensome to review, so that I can narrow or clarify the request if appropriate.

- b. Yahoo Groups, Google Groups, PhpBB, Mailman, Listserv, Slack, Discourse, IRC, Discord, Majordomo, phpList, Sympa, Airtable, Asana, Confluence, Wiki, Basecamp, Concerto, Google Apps, HighQ, Atlassian, Jive, Exchange, Live Meeting, Microsoft Teams, Beehive, Pivotal, Relate!Q, Stride, Telligent, Trello, Usenet, Google+, Wire groups, Signal groups, WhatsApp groups, and Telegram groups; and
- c. any other electronic mailing list, bulletin board, distribution list, announcement list, discussion list, newsgroup, or other collaboration software.

2. for each thing responsive to subpart 1:

- a. a list of all names, titles, email addresses, and access/privilege levels of everyone with access, or to whom the thing sends email (eg member, subscriber, moderator, administrator, etc lists), including any inactive or former members if readily available;
- i. This includes any category/groups of people, if the entire category/group has such access, e.g. where ACLs are specified by group rather than by individual. "Group", in the preceding sentence, includes any technical measures for indirectly referencing groups, such as LDAP, Windows workgroups, Unix /etc/groups, IP ranges, PERMIS, Apache Fortress, RADIUS, SAML, role-based access control (RBAC), etc (please see attached for more details)."

The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

In accordance with [Title 45 Code of Federal Regulations Subtitle A, Subpart B – How to Request Records under FOIA](#), HHS outlined what must be contained in FOIA requests to allow staff to locate requested records with a reasonable amount of effort. As set out in HHS FOIA [Regulations](#),

“..... a written description of the records you seek in sufficient detail to enable our staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility we have of finding the records you are seeking. Information that will help us find the records would include:

- (1) The agencies, offices, or individuals involved;
- (2) The approximate date(s) when the records were created;
- (3) The subject, title, or description of the records sought; and
- (4) Author, recipient, case number, file designation, or other reference number, if available.”

This letter is to obtain clarification regarding the subject matter of your FOIA request. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request. Specifically, your request does not identify the program office nor the custodian required to conduct a reasonable search for records.



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At this time, we have placed your request in "tolled" status. Therefore, please clarify and describe the records you are seeking, by sending an email to [kaira.wells@hhs.gov](mailto:kaira.wells@hhs.gov), of my staff, at [FOIARquest@hhs.gov](mailto:FOIARquest@hhs.gov) or calling at (202)-690-7453.

After you further advise us what records you are seeking, we can begin to process your FOIA request.

HHS "may deny your request for other reasons, including that a request does not reasonably describe the records sought" in accordance with the HHS FOIA [Regulations](#) cited in paragraph three. If you have not contacted our office within 20 business days from the date of this letter, your request will be administratively closed. Therefore, no action on your part is needed, if you no longer have a need for the records.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brandon J. Gaylord", is positioned above the typed name.

Brandon J. Gaylord  
Supervisory Government Information Specialist  
and HHS FOIA/PA Public Liaison

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